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DATE MAILED: 07/30/2003

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/029,457 12/21/2001 LAM2P310 Xuyen Pham 25920 07/30/2003 MARTINE & PENILLA, LLP EXAMINER 710 LAKEWAY DRIVE ELEY, TIMOTHY V **SUITE 170** SUNNYVALE, CA 94085 ART UNIT PAPER NUMBER

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) PHAM, XUYEN PHAM, XUYEN	\angle
Examiner Timothy ∨ Eley 3724 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply septified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statule, cause the application to became ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 9-14 is/are allowed. 6) Claim(s) 3,4,7,8 and 16-20 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.	,
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9) The specification is objected to by the Examiner.	
10)⊠ The drawing(s) filed on <u>06 March 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.	
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).	
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.	
If approved, corrected drawings are required in reply to this Office action.	
12)☐ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. §§ 119 and 120	
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).	
a)☐ All b)☐ Some * c)☐ None of:	
1. Certified copies of the priority documents have been received.	
2. Certified copies of the priority documents have been received in Application No	
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 	
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).	
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	
Attachment(s)	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1,5,6, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pant'012 et al.
 - a. See specifically figure 10, and column 7, lines 43-54. Platen insert 38 has a annular shape(since the outside thereof is circular) for fitting into an annular shaped recess of the platen 25b and functions as a porous material having a porosity sufficient to restrict air flow therethrough so as to reduce an amount of air required for a CMP operation.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pant'012 et al.
 - a. Pant et al is explained above.

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b. Pant does not disclose the exact type of porous material recited by applicant.

c. However, the exact type of porous material would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Allowable Subject Matter

- 5. Claims 9-14 are allowed.
- 6. Claims 3,4,7,8, and 16-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. The cited references disclose means for supplying air to a polishing member.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 703-308-1824. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 703-308-

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1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

> rimary Examiner Art Unit 3724

tve July 27, 2003